

# **EXHIBIT B**

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## Section 5. Student Conduct System

### 2018-2019 STUDENT GUIDE

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#### 5.0 STUDENT CONDUCT SYSTEM

The Office of the Dean of Students coordinates the Student Conduct System and all matters relative to the conduct and behavior of Boston College students in order to maintain a community conducive to the overall mission of Boston College.

The Student Conduct System has been developed to ensure the existence of an environment fostering the intellectual, personal, ethical, psychological, social, and spiritual potential of all students. In keeping with the mission of Boston College, a conduct system should be, first and foremost, educational in nature. However, the rights of others within the campus community may require severe, but appropriate responses to augment student learning and ensure the rights of others. Such a system has among its goals personal development, moral and ethical enrichment, value formation, and citizenship.

#### 5.1 OVERVIEW

Any case of alleged misconduct by any Boston College student is within the jurisdiction of the Student Conduct System. The Code of Student Conduct and the accompanying student conduct process apply to all students enrolled, in any capacity, at Boston College. The conduct system applies to residential or non-residential students and governs the investigation and adjudication of violations regardless of where they occur. Allegations of Sexual Misconduct will be investigated and adjudicated according to the guidelines set forth in the [Student Sexual Misconduct Policy](#).

The Student Conduct System is administered by the Vice President for Student Affairs through the Dean of Students or designee and the Dean's staff. The Dean of Students or designee reserves the right to review the sanctions imposed at any conduct hearing to assure their appropriateness.

The focus of inquiry in conduct proceedings shall be whether the student is responsible or not responsible for violating conduct regulations or the community standards outlined in the Code of Student Conduct. The function of the proceedings is to investigate the facts of the matter and to determine responsibility for alleged violations. Formal rules of evidence will not be applicable, and deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to a student or the University is likely to result. Determinations of "responsible" or "not responsible" within the Student Conduct System are based upon a preponderance of the evidence, i.e. "more likely than not," as determined by the hearing officer or board.

The student conduct system exists to protect the rights of the Boston College community and assure fundamental fairness to the complainant and to the respondent.

## **5.2 THE COMPLAINT OR REPORT OF AN INCIDENT**

A student will become involved with the conduct system as a result of alleged violations of the Boston College Student Code of Conduct. Such violations will usually be documented through a complaint or report submitted by a residential life staff member, Boston College police officer, off-campus community liaison, neighbor, fellow student, University official, or local police department.

Anyone who has grounds to initiate a complaint regarding any Boston College student may do so by submitting the Office of the Dean of Students [Report of Alleged Violation Form](#).

The Office of the Dean of Students reserves the right to not proceed with complaints not submitted within a reasonable time frame including, but not limited to instances in which material witnesses are no longer in attendance at the University.

## **5.3 RESPONDING STUDENT NOTIFICATION**

A student who has had a complaint lodged against him or her will be contacted by the Dean of Students or designee to discuss the complaint. Designees, subsequently referred to as hearing officers, may include, but are not limited to staff members in the Office of the Dean of Students and Office of Residential Life. The responding student will be sent a written, verbal, or electronic notice of a hearing in which his/her presence is required. Incidents involving more than one student may be resolved through a single hearing at the discretion of the hearing officer.

A student who does not respond to a request to schedule a hearing or fails to appear for such a scheduled meeting may have the case heard in his or her absence or have an administrative hold placed on his/her student status until the meeting occurs.

## **5.4 HEARING PROCESS**

The University has several types of student conduct hearings that are utilized depending upon the nature and severity of the incident. All hearing processes aim to resolve cases impartially and treat all individuals involved in the process with respect and objectivity.

Students are not permitted to use any type of electronic device at any hearing or meeting related to the incident, without the advance written permission of the Dean of Students or designee. Devices include but not limited to laptop computers, tape or digital recorders, cell phones, or PDAs.

The Dean of Students or designee has the discretion to determine what format a hearing will take based upon the complexity of the case, the availability and type of evidence, and the sensitivity of the incident.

The University provides the following hearing formats:

### **5.4.1 Administrative Hearings**

An administrative hearing is a hearing that generally consists of a meeting or meetings with a single hearing officer to adjudicate a disciplinary charge. Students have a right to be informed of the charges and hear evidence in support of the charges, present witnesses, have an adviser of their choice and present other evidence on their behalf as stated below. A case may potentially be held for further information, referred to either the Student Conduct Board or the Administrative Hearing Board or resolved through a determination by the hearing officer.

### **5.4.2 Hearing Boards**

Hearing boards at Boston College may be utilized to adjudicate cases at the discretion of the Dean of Students or designee. Hearing boards determine responsibility and recommend sanctions, which are either approved or amended by the Dean of Students or designee.

Boston College has two distinct hearing boards: the Student Conduct Board and the Administrative Hearing Board. The Student Conduct Board is comprised of undergraduate

and graduate students, while the Administrative Hearing Board is comprised of administrators, faculty and staff.

Chairpersons of hearing boards convene the boards, determine the order of hearing cases (e.g., witnesses, duration of testimony), determine appropriateness of questions and/or testimony, and serve as the principle liaison between the board and the Office of the Dean of Students. The chairperson has final procedural authority during the conduct of a hearing.

Click [here](#) to review the procedures for both the Student Conduct Board and the Administrative Hearing Board.

#### **5.4.2.1 Student Conduct Board**

The Student Conduct Board (SCB) is composed of undergraduate and graduate student members and chairpersons. Students are selected for the SCB through an application and interview process by the Office of the Dean of Students. Chairpersons generally have at least one prior semester of service as a board member, and are elected via ballot by the general membership.

A panel of a minimum of three (3) voting members of the Student Conduct Board will hear individual cases. Decisions that can be reached by the Student Conduct Board are "responsible" or "not responsible." A simple majority vote of the panel is required to render a decision. If the decision is "responsible," the board may recommend sanctions up to and including suspension from the University.

Board members must disclose any real or perceived conflict of interest between themselves and any party and may not hear a case if they are not able to be impartial in the hearing of the case.

#### **5.4.2.2 Administrative Hearing Board**

The Administrative Hearing Board (AHB) is composed of university administrators, faculty and staff. All board members are trained by the Office of the Dean of Students. Chairpersons for the Administrative Hearing Board are designated by the Office of the Dean of Students and receive additional training.

A panel of a minimum of three (3) voting members of the Administrative Hearing Board will hear individual cases. Decisions that can be reached by the Administrative Hearing Board are "responsible" or "not responsible." A simple majority vote of the panel is required to render a decision. If the decision is "responsible," the board may recommend sanctions up to and including suspension or dismissal from the University. In addition, the Board, when appropriate, may recommend other administrative measures or remedies.

Board members must disclose any real or perceived conflict of interest between themselves and any party and may not hear a case if they are not able to be impartial in the hearing of the case.

#### **5.4.3 Sexual Misconduct Investigations**

Allegations of Sexual Misconduct will be investigated and adjudicated according to the guidelines set forth in the [Student Sexual Misconduct Policy](#).

#### **5.4.4 Advisers**

Students may be accompanied by an adviser of their choice at a conduct hearing or meeting related to the incident. Hearings will not be scheduled or postponed based upon the availability of a student's adviser.

The role of the adviser at the actual hearing is limited. Advisers may not ask questions, interject, coach, advocate for, or otherwise speak on a student's behalf during a hearing. The student and adviser can confer at any point during the hearing, but the adviser may not formulate specific questions, responses, or statements for the student. Violations of the guidelines may result in a warning being issued to the adviser by the hearing official. Repeated violations may result in the adviser being asked to leave the hearing room.

If a student plans to have an adviser present, the student must notify the hearing officer at least two (2) business days before the hearing.

The University reserves the right to have legal counsel present at any hearing to serve as an adviser to the hearing board or hearing officer. The chairperson or hearing officer and legal counsel may consult anytime during the hearing.

Boston College officials involved in the Student Conduct System will only address general procedural matters with attorneys serving as advisers; all other matters (written or verbal) will be referred to the Office of the General Counsel. The students involved in a disciplinary matter are expected to communicate directly with the University on their own behalf with respect to any substantive questions, concerns, or other matters.

#### **5.4.5 Witnesses**

If a student wishes to present witnesses at the conduct hearing, the student must inform the Office of the Dean of Students, in writing, a minimum of 48 hours in advance of the hearing and provide their names and phone numbers. Only witnesses who can attest to the facts of the incident are permitted to be a part of the hearing process. General character witnesses are not permitted. It is the responsibility of the student to notify witnesses of the date, time, and location of the hearing.

The Office of the Dean of Students has the authority to request the presence of witnesses to provide information to the hearing officer or board. Student witnesses who fail to cooperate with the hearing process or fail to cooperate with the investigation of a complaint may be subject to discipline by the Office of the Dean of Students.

### **5.5 SANCTIONS**

Sanctions will be designed to deter students from similar future behavior, prevent further misconduct, eliminate a hostile environment, and promote safety. Sanctions are commensurate with the severity of the violation. Certain behavior may be so harmful to the University community that it may require serious sanctions, such as removal from University housing, removal from specific courses or activities, suspension from the University, or dismissal from the institution. Such behaviors include, but are not limited to, incidents of sexual assault, sexual violence, and physical violence.

#### **5.5.1 Status Sanctions**

Students found responsible for violations of the Code of Conduct will typically have a change in their student status. This change can take many forms based upon the nature of the violation and typically progress in seriousness with subsequent violations. These sanctions refer to a student's university conduct status and are generally imposed for a specified period of time.

A student's previous conduct history is a factor in determining appropriate sanctions for subsequent violations of the Code of Student Conduct. Subsequent violations of the Code of Student Conduct while on an active probationary status will generally result at a minimum in the next higher level of probationary sanction being levied. These statuses are as follows:

- **Conversational Resolution** is a sanction generally utilized for first-time, low-level violations, at the discretion of the Dean of Students or designee. Conversational Resolutions are meant to provide students an opportunity to discuss behavioral expectations of Boston College, as well as to strategize ways to prevent further misconduct through student decision-making. Students are generally afforded the conversational resolution only once during their tenure.
- **Administrative Warning** is a formal notification to a student documenting that a violation of the Code of Student Conduct has occurred. It serves as an official warning to the student that subsequent violations of the Code of Student Conduct may result in higher level sanctions.
- **Probationary Statuses:**  
Probationary statuses remain in place for a specified period of time and serve as a formal notification that the activity in question is unacceptable. During this time, the student is

given the opportunity to modify unacceptable behavior, to complete specific assignments, and to demonstrate a positive contribution to the University community. Additionally, if continued or other inappropriate behavior follows, higher level sanctions may be issued. While on probation, certain privileges may not be available to the student based upon the discretion of the hearing officer. Depending upon the seriousness of the violation and/or the prevalence of the behavior, the following probationary statuses may be issued:

- **Disciplinary Probation** is the lower level probationary status, which remains in place for a specified period of time. Disciplinary probation indicates that similar or more severe violations of the Code of Student Conduct while on this status may result in university probation, loss of privileges, and/or housing suspension.
- **University Probation** is the highest level of probationary status, which remains in place for a specified period of time. University Probation indicates that similar or more severe violations of the Code of Student Conduct while on this status may result in deferred sanction, suspension, or dismissal from the University.
- **Deferred University Suspension** is a period of time when a student is placed on notice that any subsequent violations of the Code of Conduct will generally result in immediate suspension or dismissal from the University.
- **Deferred University Dismissal** is a period of time when a student is placed on notice that any subsequent violations of the Code of Conduct will generally result in immediate dismissal from the University.
- **University Suspension** requires that the student no longer be present on any Boston College owned or leased property for a specified period of time. While on suspension, a student may not take courses to advance his or her Boston College degree. Students cannot be readmitted until after the date their suspension ends, nor may they register or pre-register for the following semester's courses.  
In addition, students who have been suspended from the University may lose certain privileges upon their return to the University at the discretion of the hearing officer. Students returning from University Suspension will generally have a sanction of University Probation for one full year upon their return to campus. A suspension for conduct reasons will be indicated on the student's transcript.
- **University Dismissal** requires that the student completely and permanently sever any and all connection with Boston College; this includes all Boston College activities, services, facilities, grounds, and undergraduate, graduate and professional schools. A dismissal for conduct reasons will be indicated on the student's transcript.

#### 5.5.2 Other Sanctions

**Alcohol and Drug Education Program:** Students who have a drug and/or alcohol violation or a violation where alcohol or drugs may have been an aggravating factor may be sanctioned to an Alcohol and Drug Education (ADE) Program. Students sanctioned to an ADE Program will pay the associated fee for the provision of the program. See [www.bc.edu/ade](http://www.bc.edu/ade) for a description of each ADE program.

**Psychological and/or Substance Abuse Evaluation:** This referral requires that the student meet with a licensed mental health clinician to undergo a general psychological and/or substance abuse evaluation. The evaluation should include recommendations for subsequent treatment and the student will be expected to comply with these recommendations. The student will need to sign a release so that the clinician can confirm that the evaluation was completed and share any recommendations for subsequent treatment.

**Revocation of Privileges** is one or more restriction placed on activities and/or University Services and facilities for a specified period of time. Such privilege bans include, but are not limited to loss of university housing, participation in housing selection, leadership positions, study abroad, guest privileges, student event participation, and social gathering registration.

**Administrative Placement:** A student may be administratively placed, assigned to a room, and/or required to relocate to a different residence hall or area.

**Fines:** Certain offenses may result in monetary sanctions. Financial penalties will be applied

to a student's account.

**Financial Restitution:** Compensation to the injured party, payment for damages, and/or "court costs" for hearing appearances of the police when such appearances are key to a case and if the respondent is found responsible.

**Delay in Awarding Degrees:** The University reserves the right to delay the awarding of any degree.

**Revocation of Degree:** The University reserves the right to revoke any degree, and such revocation would be noted on the student's academic transcript.

**Failure to Complete Sanctions:** If a student fails to comply with or fails to complete an imposed sanction by the established deadline date, the student may face additional action including more progressive sanctioning, a hold on the student account, and/or a fine of \$100 (per incomplete sanction if applicable).

### **5.5.3 Formative Sanctions**

Formative sanctions are used alone or in conjunction with warnings and probation to hold students accountable for their behavior as well as to provide a venue for education, follow up conversations, reflections, and meaningful contributions to the greater community.

#### **Peer Conversation Program**

The Peer Conversation Program allows students to be referred to have an informal, meaningful conversation with a peer. The goal of the program is to provide students with an opportunity to reflect on their experiences with fellow students who have been trained to engage in reflective conversations and appropriately assist students in navigating their Boston College experience.

#### **Conversation Project**

The Conversation Project is a collaborative effort to organize and systematize how students meet with faculty and professional staff to have informal, meaningful conversations. The Conversation Project aims to provide a resource for students and to give students an opportunity to share in a "safe environment," reflect upon their experience, and identify pathways to foster future success.

#### **Educational Project/Paper**

A student is required to engage in a specific educational project, such as writing a reflective paper, conducting research or a project, or creating a bulletin board in an area relevant to the offense.

#### **Friday Night Heights (FNH)**

Friday Night Heights (FNH) is a collaborative workshop between the Boston College Office of the Dean of Students, the Boston Police Department, and the Allston Brighton Substance Abuse Task Force. Students who are found responsible for off-campus infractions are often unaware of the impact of behavior on neighbors. The workshop promotes citizenship, civility, and responsibility by educating students their on civic responsibilities and helping them to devise strategies for preventing problematic behaviors off-campus.

#### **Think Ahead**

Think Ahead is a workshop developed by the Boston College Office of the Dean of Students intended to prepare students about the future responsibility of being a part of Boston College's off-campus student community. Students who are found responsible for on-campus policy violations during their freshmen and sophomore years may be referred to the Think Ahead program. The workshop will assist students in understanding the realities and challenges of off-campus living as it relates to their current student conduct status at the University. This includes off-campus policy expectations, impact of poor choices and decision making, and the increased accountability with the police and district courts. The

overall purpose of the program is to promote the expectation of good citizenship and responsibility as an off-campus student.

### **Staying on Track**

Staying on Track is an educational program that helps students reflect upon their behavior and consider the consequences of their future decisions. This program also helps students to consider their future goals and whether their actions are in alignment with those goals. Students who have been held responsible for multiple infractions in violation of the Boston College Code of Conduct may participate in this reflective program.

### **Roads Retreat**

The Roads Retreat is a formative sanction that provides students the opportunity to reflect on their experience at Boston College thus far. In particular, students are provided an opportunity to think about ways that their behavior may be inconsistent with their core values and belief system. The retreat includes talks from Boston College alums, small group peer discussions, a panel of staff members sharing their experience from college, time for reflection and journaling, and an opportunity to speak with a conversation partner.

## **5.6 APPEALS**

Students may submit an appeal of a decision reached in a conduct matter brought under the Student Code of Conduct, whether the decision was the result of an administrative hearing, a hearing board, or any other conduct proceeding administered under the auspices of Student Affairs. If accepted, an appeal will result in an administrative review of the decision; only in rare circumstances will an appeal result in a new hearing or other new adjudication of the case.

### **Grounds for Appeal**

Appeals may not be submitted to request a review or modification of sanctions. Appeals will be accepted solely on one or both of the following grounds:

1. **Violation of Procedure**– An appeal will be accepted if the student demonstrates that the University committed a material procedural error that was likely to adversely affect the result of the conduct adjudication. Minor or inconsequential deviations from procedure do not give rise to an appeal right.
2. **Previously Unavailable Information** – An appeal will be accepted in circumstances where the student is able to provide relevant testimony or other evidence that (i) was unavailable to the student submitting the appeal at the time of the adjudication process and (ii) would have likely affected the finding.

### **How to File an Appeal**

Students must submit an appeal within five (5) business days of the student receiving notification of the resolution of the case from the Dean of Students Office.

Appeals must be written and submitted by the student rather than an adviser or representative. Appeals must be submitted utilizing the [Appeals Form](#).

### **Review of Appeals**

A member of the Office of the Dean of Students or designee acts as an "Appeals Officer" in these cases. The Appeals Officer will review the appeal and determine if it meets the required grounds for appeal described above. The Dean of Students, or designee, may in their reasonable discretion, defer imposed sanctions while an appeal is being considered.

The Appeals Officer will review the findings and evidence, and may discuss the matter with the hearing board participants and other University administrators involved in the adjudication. The Appeals Officer will endeavor to make a decision on the appeal within ten (10) business days; however, the Officer may require additional time, in which case the student will be notified. The Appeals Officer may, at their discretion, require that the case be re-heard in whole or in part by the original hearing officer, board, or investigator(s).

The decision of the Appeals Officer is final.



## **5.7 GENERAL INFORMATION**

### **5.7.1 Amending the Procedure**

Proposals for amending the Student Conduct System should be submitted in writing to the Office of the Dean of Students.

### **5.7.2 Confidentiality**

All parties, including the respondent, complainant, witness, advisers, and the hearing officer(s), are expected to respect the right of confidentiality of other participants. Any unauthorized disclosure of confidential information by participants to persons not involved in the hearing process as direct participants, advisers, or responsible administrators may be dealt with as a subsequent charge or as grounds for dismissal from the board.

In addition, all participants in the hearing process have a right to be free from intimidation and harassment. Students required to appear in a formal hearing, their advisers, and their witnesses must not communicate with the accusers and their witnesses prior to the hearing.

As a general rule, all hearings are closed.

### **5.7.3 Notification of Decisions**

The responding student will generally be sent written notification of any decisions and/or sanctions reached as a result of a hearing within 10 business days after a hearing. In cases involving allegations of sexual assault or of a crime of violence, the Office of the Dean of Students will notify both the respondent and the complainant of the decision and the sanction imposed.

Hearing results may be shared with relevant academic deans and other university officials having a legitimate educational interest in such results.

### **5.7.4 Parent/Guardian Notification**

The Dean of Students or designee, at his or her discretion, will notify parents/guardians in writing of conduct matters as permitted by law. The Office of the Dean of Students may inform a student's parents/guardians of any finding of responsibility and related sanctions for violations of federal, state or local laws governing the possession or use of alcohol or controlled substances.

### **5.7.5 Pursuit of Alleged Violations**

The Office of the Dean of Students reserves the right to investigate and pursue all alleged violations of the Code of Student Conduct that come to the Office's attention, including cases in which the students or other community members affected by the violation choose not to file or pursue an allegation. In such cases, a University administrator with knowledge of the matter may act as the complainant if the matter proceeds to the Student Conduct Board or Administrative Hearing Board.

### **5.7.6 Student Conduct Records**

When a student is found responsible for violation(s) of the University Code of Student Conduct, a conduct record will be established and maintained in the Office of the Dean of Students.

Student conduct records will be maintained, per Federal regulations, for a minimum period of seven years.

University Suspension or Dismissal sanctions are noted on the student's academic transcript indefinitely.

### **5.7.7 Interim Administrative Action**

The Dean of Students or the Dean's designee may take interim administrative action when a student is deemed to threaten the health, safety, or well-being of the University community, threaten or impair the effective functioning of the University, or when a student has been charged with a serious criminal offense. Interim actions may include summary suspension from the University, removal from University housing, suspension of privileges, and other similar measures.

Interim administrative action is not a disciplinary sanction. It is intended to help protect the University and members of the community until a matter can be investigated and adjudicated, and remains in effect only as long as the Dean of Students determines there is a need for it or until the matter has been investigated, adjudicated, or otherwise resolved.

In the case of interim action imposed as a result of criminal charges, the action may remain in effect until the matter is resolved both on and off campus.

Examples of behavior that may lead to summary suspension from the University include, but are not limited to, physical violence, sexual assault, disruption of the educational or civil living environment of the University, significant damage to property, and possession and distribution of controlled substances.

#### **5.7.8 University Temporary No Contact Order**

In instances where it has been determined by a University administrator that contact between specific persons may pose an immediate threat to an individual or may cause concern for the safety or emotional wellbeing of an individual, a Temporary No Contact Order may be issued. The order, specific to a person and/or location, prohibits the parties subject to the order from having any further direct or indirect contact, including but not limited to email, mail, text messages, social media, or telephone, as well as third party contact for the duration of one week (7 days).

A Temporary No Contact Order may be issued by the Administrator On Call (AOC), Senior Administrator On Call (SAOC), or a staff member in the Office of the Dean of Students. During the 7-day period, the Office of the Dean of Students will determine whether the issuance of a longer-term Stay Away Order is warranted. The Temporary No Contact Order is issued as an initial response to a complaint and does not necessarily indicate that a violation of the Code of Student Conduct has occurred.

#### **5.7.9 University Stay Away Order**

The Office of the Dean of Students may issue a University Stay Away Order when interaction with an individual could cause severe emotional or mental harm or when an individual poses an ongoing, significant threat to a student's rights as a member of the Boston College community.

The order, specific to a person and/or location, prohibits both parties from having any further direct or indirect contact, including but not limited to via email, mail, text messages, social media or telephone. At the discretion of the Office of the Dean of Students, a Stay Away Order may result in mandated changes to a student's academic schedule, on-campus employment, co-curricular or other activities, and/or residential assignments. In addition, the Stay Away Order prohibits contact by third parties on the behalf of either party.

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Updated: August 24, 2018

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